I shall take up the other motions later. I shall now call upon any one of the hon. Members who have given notice of the no-confidence motion, to ask for leave of the House to move the motion.

SRI S. SIVAPPA (Sravanabelagola).—I seek the leave of this House to move the motion of no-confidence against the Council of Ministers.

MR. SPEAKER.—The question is: I request hon. Members who are in favour of leave being granted to the motion to rise in their seats.

AN HON. MEMBER.—Two members on the Congress side are standing.

(Counting was taken)

MR. SPEAKER.—I am not concerned with it. Since more than 30 members have stood up, leave is granted to the hon. Member Sri Sivappa to move his motion.

I allot Tuesday for the consideration of this motion. So it will be taken up on Tuesday.

Notice of adjournment Motion *re*: Hunger Strike in Gadag Town.

SRI K. H. PATIL.—I have given notice under Rule 50. Yesterday it was not received in the hands of the Secretary, well in time. Today I would like to impress upon the Chair and request that consent may be given to me to move the adjournment motion because it is very serious matter wherein the Municipal Administrator.....

1.30 P.M.

MR. SPEAKER.—The hon. Member Sri K. H. Patil has given notice of an adjournment motion. I have not made up my mind whether to give consent or not to give consent. Before considering the question of consent, I would request Sri Patil to explain why permission should be given to him to make the motion. While doing so, he should not go into the merits of the motion. I want him to enlighten me only on the following three aspects and nothing more:

Firstly, whether the question of hunger-strike can be an occasion for moving an adjournment motion. Secondly, from the wording of his notice, it appears that there are certain justiciable rights; certain parties are claiming rights in a particular place and others are asserting their right of public way. Sri Patil should tell the House whether the House could be a forum for considering this matter when it falls within the jurisdiction of the civil courts and when it relates to civil rights. Thirdly, when the House is debating the Governor's Address, whether it is not open to the Member to raise this point also during the course of his speech.

Hon. Member may give answers to these three points briefly.

Sri H. SIDDAVEERAPPA (Harihara).—Let us know what this Motion is. It is not a matter between the hon. Member and the Chair. First let us know what the motion is. Otherwise, it can be disposed of in the Speaker's Chamber. Now that the matter is before the House, let us know what the motion is.

Mr. SPEAKER.—The hon. Member Sri Siddaveerappa is calling upon me to read the notice of motion. According to the Rules of Procedure, the notice need not be read until and unless the motion is admitted. Yesterday I disposed of in my Chambers a notice of motion given by Sri Channabasappa and Sri Nagappa and communicated my decision to them. But what happened subsequently was, that the same matter again cropped up in the House and we lost practically one hour on it. Since it is the intention of the Members to be heard before consent is given or withheld, I am giving an opportunity to Sri K. H. Patil to answer the points raised by me.

Sri H. SIDDAVEERAPPA.—In that case, we are only spectators to a thing which we do not know.

Mr. SPEAKER.—I shall read the motion provided this is not quoted as a precedent and provided that this does not mean that I have given consent to the motion. Sri Patil may please read his motion.

Sri K. H. PATIL.—I have not got a copy of it with me.

Mr. SPEAKER.—Then I shall read it myself. It runs as follows :

> "This Assembly do stand adjourned to consider the grave situation which has arisen at Gadag on account of the hunger strike in protest against the illegal, un-authorised and intentional acts of the Municipal Officer in permitting Sri Manvi, A. S., to construct a wall causing obstruction to the public road used for more than 60 years and thus created a situation whereby the owners in the area are suffering for want of road to their residential places."

As I said earlier, three points arise. (1) Whether hunger-strike can be an occasion for an adjournment motion; (2) Whether civil rights between parties can be a matter for adjournment motion; and (3) whether there is not enough opportunity for the hon'ble Member to deal with the matter during the course of the debate on the Governor's Address.

Sri H. M. CHANNABASAPPA (Periyapatna).—I have a Point of Order. Yesterday I drew the attention of the hon'ble Chair to a fact and said that there is precedent accepted not only in this House but all over India and elsewhere also that whenever important matters are brought to the notice of the Chair on an adjournment motion, before the Chair takes a decision, there will be a discussion on at least three points, namely, whether it is a matter of urgent public importance as to adjourn the house, whether it is important and what are the points for the

(SRI H. M. CHANNABASAPPA)

admissibility of the motion. The Members should be heard beforehand on these points. Then it is also in practice that the Chief Minister or other Minister on behalf of the Government, will also express the views on the admissibility. You were pleased to give a ruling yesterday, disallowing the adjournment motions of both myself and Sri Nagappa in spite of the fact that we appealed to you that we may be heard on the admissibility only and not on its merits. And to-day you are permitting a Member to apprise you on the admissibility of the motion. If the matter was between you and the Member, it could be disposed of in your Chambers. When it is being talked over in the Assembly, the Members are seized of it. Therefore, this is not a matter between the Member and the Chair. When the matter has come up before the House and when we are seized of it, we have a right to speak over it. Now that you have allowed a Member to express himself on the admissibility of his motion, I have a right to express myself on the desirability or admissibility of my adjournment motion, which was ruled out yesterday. Therefore before giving a ruling on my motion, I and the Members should have been heard on the admissibility. Hence I may be given an opportunity to speak on my motion.

MR. SPEAKER.—The hon'ble Member Sri H. M. Channabasappa has raised a very interesting point of order. He has brought several points in his point of order. It must be first pointed out that the right to move an adjournment motion is subject to certain restrictions and consent could be given for making a motion only when it satisfies all the conditions imposed by the Rules. Hon'ble Sri Channabasappa has insisted upon the revival of his notice of motion disposed of yesterday in spite of the fact that I considered the whole matter very carefully and dealt with the notices of Sri Channabasappa and Sri Nagappa within the ambit of the rules governing the accord of my consent. Very precious time of the House was spent on the matter yesterday. Under Rule 50 of the Rules of Procedure, there could be a discussion on an Adjournment Motion only when consent is given and the matter has been held to be in order by the Speaker and the House has given leave. Otherwise, an opportunity is given to the members to explain the admissibility for the sake of convenience and not as a matter of right. In that spirit, I just gave an opportunity to Sri Patil to clarify certain points. On this ground, hon'ble Member Sri Channabasappa says that he should also be heard on a matter which was disposed of yesterday itself.

SRI H. M. CHANNABASAPPA.—I want to make a personal explanation.

MR. SPEAKER.—I am on my legs and in the midst of my ruling A member of Sri Channabasappa's stature and experience should have more patience and should not function in this way and interrupt the Chair.

I was just stating that the hon'ble Member Sri Channabasappa was making out in his point of order, that since an opportunity was being given to Sri K. H. Patil, a similar opportunity should have been given to him and urging that he should be again permitted to agitate the matter which concluded yesterday. That cannot be done since the matter was already disposed of yesterday. The point he has raised is whether a full-dress hearing was given yesterday to his notice of adjournment motion. But unless the Chair gives consent under rule 50, the motion cannot come before the House. Of course, I wanted the hon'ble Member to come to my Chamber and discuss the matter; unfortunately, he could not be contacted. I am functioning in a most democratic manner. I had given opportunity to place his case before me.

Sri H. M. CHANNABASAPPA.—The hon'ble Speaker mis-interpreted me.

Mr. SPEAKER.—Wrongly interpreted; mis-interpreted is not a goodword.

Sri H. M. CHANNABASAPPA.—Very well Sir; I accept it. The Chair was pleased to say that I wanted an opportunity to express myself on the admissibility or otherwise of my adjournment motion which was ruled out yesterday. That was not correct. It was a point of order that I raised that it is not in order to call upon the member to express an opinion on the admissibility or otherwise now, when a similar point was ruled out yesterday without giving such opportunity.

Mr. SPEAKER.—Probably the confusion was due to the way in which the matter was put by Sri Channabasappa. The point of order is—when opportunity was not given to him, why it should be given in the case of Sri K. H. Patil. It is a question of discretion. In fact, I could have disposed of this matter in my Chambers. Since it was not desposed of, it does not prevent the Chair to give an opportunity to the member to know why consent should not be withheld by the Chair.

Sri D. B. KALMANKAR (Aland).—I rise to a point of order under rule 54. Yesterday ruling was given disallowing the adjournment motions of Sri Channabasappa and Sri M. Nagappa. But the way in which it is being allowed today to be explained by Sri Patil shows that the motion has been admitted and it has been taken up. My submission is that he should not be allowed to do so.

Sri D. DEVARAJ URS (Hunsur).—Sir, I want to substantiate what the member just now said. Sir, I remember, on the last occasion when this Assembly had met, a similar question concering these rules came up for discussion and then you were pleased to withhold consent and there was lot of discussion as to the manner in which consent was withheld and whether the mover should be given an opportunity to put forth his case. Yesterday, when a similar motion was brought even before it was explained, it was disallowed. Adopting two different procedures on two occasions would not be correct. I respectfully submit, that the House will be benefited if the Speaker would give a final interpretation about

(SRI D. DEVARAJ URS)

these rules whether, whenever an adjournment motion is moved, the Speaker will always give an opportunity to the mover to explain why the adjournment motion should be allowed.

Sri M. S. KRISHNAN (Malleswaram).—Sir, the same opportunity was denied to Sri Channabasappa yesterday. If Sri Patil is allowed to explain his motion now, the same opportunity must be given to Sri Channabasappa also now. Otherwise, it would be a very bad precedent.

Mr. SPEAKER.—Sri D. B. Kalmankar has raised a point of order stating that the procedure set out in rule 54 should be followed. His contention is, the moment a matter is permitted to be raised here, the provisions of rule 54 should come into operation. I think he is far from correct. In the beginning itself I have made it clear that I have not made up my mind to give or not to give my consent. I am still thinking. Before coming to a decision I wanted to give an opportunity to Sri K. H. Patil to give some clarifications on certain points. That I have done now. Therefore the point that the matter is before the House, is not sustainable.

The hon'ble member Sri D. Devaraj Urs has raised a very important point about the procedure to be adopted. He stated that yesterday one procedure was adopted and today another procedure is being adopted, and therefore in order to clear the point, it would be better to have some uniformity. I might take the House into confidence and say why some changes occurred. Yesterday, even though I decided the matter in my chamber after full consideration, members thought that they should be heard in one way or the other and as hon'ble members know a valuable time of one hour was lost. If a matter is decided in the chamber, hon'ble members take their own time and want some explanation and all that. So, I thought of giving some opportunity to the member and decide the point. But, there is much force in what Sri D. Devaraj Urs has said. Hereafter I shall take decision in my chamber and before taking decision I shall request the member who has given notice, to meet me in my chamber and not to open the issue in the House. Today since I have already called upon Sri Patil to have his say, I do not want to deny that opportunity. But this should not be taken as a precedent. I think the matter is properly explained and I shall follow the procedure indicated by me today.

† **Sri K. H. PATIL.**—Sir, I do not take much time of the House because I have already been accused of spending a few minutes over the point of order.

The point for consideration is, there was a road.....

Mr. SPEAKER.—The point is whether hunger strike is proper subject for raising an adjournment motion.

Sri K. H. PATIL.—The hunger strike is the cause for this. There is one Manvi Brothers who was permitted to construct a wall obstructing the road in Gadag. Mr. Joshi cancelled the licence saying that the road is there and it should not be obstructed. Afterwards another person has been appointed as Commissioner. The Commissioner has no authority to revoke the said order. But he permitted Manvi Brothers to construct the wall and it has caused great hardship and inconvenience to the hut owners there. The hut owners went to the court and the court said that it is the municipality and Manvi Brothers who have done it and therefore, they were not in a position to give relief in a court of law. So, the only remedy is to approach the Government. Even the Minister for Public Works when he visited the place saw the wall and he was convinced and he assured the people that the matter will be set right in two or three days. Thereafter the people also submitted a copy of the petition to the Minister for Municipal Administration. No other remedy is left to them. They could take recourse either to break the wall into pieces or to register their legitimate protest by undertaking hunger strike. So, hunger strike was the only remedy left to them. Now, hunger strike is not the only situation that we have to consider. There is a precarious condition prevailing in Gadag. If peaceful atmosphere is not restored there, it may lead to non-violent action. There is no justice available to the poor hut owners of Gadag.

Secondly, the Minister has assured that justice will be done and he would look into the documents. I am raising this not to make any statement just for the sake of publicity in the press. I am really interested in seeing that justice is done, that too when a democratic institution is taken away by the Government and an administrator is appointed.

Mr. SPEAKER.—The hon'ble member may please point out the position of law—whether this House is competent to go into the dispute of civil rights ?

Sri K. H. PATIL.—This House can impress upon the Government and give direction to the Government by way of a resolution. My submission is, the hon'ble Minister should assure the House or the House should discuss and ultimately pass a resolution because it is not merely construction of a wall.

Mr. SPEAKER.—I shall ask the Minister to make a statement.

Sri K. H. PATIL.—There is corruption, nepotism and life is in danger for the hut dwellers because the road is completely blocked. I do not think there is any other matter more urgent than this.

Lastly I wish to make myself clear to the House that it is my fault that I was not there in the room when I was asked to approach the Speaker in the Chamber.

Sri B. M. PATIL (Minister of State for Municipal Administration).—I beg to submit that the dispute pertains to right of passage betwee

(SRI B. M. PATIL)

private parties, the private parties being Manvi Brothers, Sri K. H. Patil and the persons who have now gone on hunger strike and also one Mr. Reddy.

2-00 P.M.

Sir, it is reported that this is a dispute between private parties. Some years back, on a private land, some houses were constructed by those who have now gone on hunger strike. There was a passage by the side of Sri Manvi's residence. But the Cotton Processing Co-operative Society blocked this passage some years back. So a dispute arose in the month of July 1968. Mr. Wali, the In-charge Administrator passed an order permitting Sri Manvi to construct a compound wall on the lands. Later Mr. Joshi, Administrator, issued a stay order. It was pending at this stage for some time. Later on, after verifying the fact, the In-charge Administrator (the Municipal Commissioner) vacated the stay order. By then, the Manvis had completed the construction of the compound wall. The passage was 14 feet wide and was being used by the hunger strikers till November. Now, one Mr. Bhooma Reddi has filed a suit in the Munsiff Magistrate's Court, Gadag and obtained a stay order from the court. The passage belongs to Mr. Reddi. Therefore, the hunger strikers requested the Municipality to make that 14 feet wide passage open to their movement. At present the matter is *sub-judice*. As per Rule 52 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the right to move an adjournment motion is subject to the following restrictions among others, namely :—

1. It should be a definite matter of urgent public importance ;
2. It should be a specific matter of recent occurrence ;
3. The motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India.

From the above it will be seen that none of the factors necessary for moving this adjournment motion exists.

SRI K. H. PATIL.—Since the Hon'ble Minister has brought in my name, it may give an impression to the House that because Sri K. H. Patil is interested he might have brought this adjournment motion. I therefore challenge him to prove whether K. H. Patil has directly or indirectly anything to do with this road at all ? The Hon'ble Minister might have learnt from the Public Works Minister who has personally visited the spot. I have no property at all within 5 miles from this place. What the Hon'ble Minister has stated is contrary to the facts and is far from truth. Not only that, but the Hon'ble Minister went to the length of saying that the matter is *sub judice*. The matter in dispute is quite different from the matter I have raised and perhaps the Hon'ble Minister has not understood it. Here, the

Municipal officers wanted to persuade Sri Bhooma Reddy to give that right of passage. In fact, he promised to give that for 15 to 20 days. Later on, these people wanted to use it permanently. That is why he went to the Municipality and got a stay order. I would request the Hon'ble Minister Sri B. M. Patil who has just entered the Ministry to understand the problem properly. If my hon'ble Friend has got the guts, I challenge him to prove that I am personally interested. If he cannot prove, let him withdraw the words that he has used which give an impression as if K. H. Patil has got a dispute. I have no dispute. My dispute is with the Council of Ministers for running the administration in a false and illegal manner and in a manner which does not befit democracy.

SRI K. H. SRINIVAS (Sagar).—I rise to a point of order, Sir. The hon'ble Member Sri K. H. Patil has used the expression 'guts' with reference to the Hon'ble Minister. I do not think it befits the decorum of the House. I think such an expression should not be allowed.

MR. SPEAKER.—'Guts' means courage and I do not think there is anything wrong about it. The hon'ble Member has, however, used the word 'false which is objectionable, because it attributes motive.

SRI K. H. PATIL.—The report which he read is absolutely far from truth.

MR. SPEAKER.—I have very carefully heard the hon'ble Member Sri K. H. Patil on his adjournment motion and I also heard the Hon'ble Minister Sri B. M. Patil as regards the points involved. The point is whether a hunger strike can be a fit matter to form the basis of an adjournment motion. According to Sri K. H. Patil hunger strike is resorted to in support of civil rights. The other point is whether any dispute regarding rights between private individuals can also be a basis for an adjournment motion. On both these points I am sorry I cannot agree with the opinion expressed by the hon'ble Member Sri K. H. Patil. In this connection, my predecessor, the late Sri Baliga, has given a ruling on 24th March 1964 on this point. It is as follows :—

> "Hunger strike is not a ground for giving notice of any adjournment motion or any other motion. Simply because a person is on hunger strike it does not mean that it becomes important so far as the business of the House is concerned.'

The hon'ble Member will realise that if the hunger strike is made a basis for an adjournment motion, it would not be possible for the Hon'ble House to transact any business at all. Hunger strikes have become so frequent nowadays that probably this House won't have any time to discuss normal business at all.

As regards the civil rights involved in this matter, the jurisdiction to decide civil rights is that of the courts of law and this Hon'ble House has no means to go into legal rights, record evidence and decide such matters. The matter falls within the jurisdiction of civil courts

(MR. SPEAKER)

and the judiciary and not of the legislature. We may carry on any amount of discussion here but Sri K. H. Patil will realise that still we are not going to decide whether a person who is putting a wall across a road is entitled to do it or not. That cannot be decided in this House.

Thus I hold that this is not a subject which can constitute the basis for an adjournment motion. I therefore withhold my consent under Rule 50 of the Rules of Procedure and Conduct of Business in the Assembly. If the hon'ble member Sri K. H. Patil has got anything to say, he can raise the matter in the course of the debate on the Governor's Address.

Notice of privilege Motion *re*: News item in a Newspaper.

Sri M. NAGAPPA.—I have sent notice of a privilege motion regarding a news item published in the Deccan Herald dated 16th January 1969 in colum 1 of page 7.

Mr. SPEAKER.—I have gone through the notice. The point raised by the hon'ble member is correct. The concerned reporter has tendered apology to me. In view of that, the matter may be dropped.

Sri M. NAGAPPA.—Yes.

Seating Arangement for members in the House.

Sri D. B. KALMANKAR.—Under Rule 312 I have given notice of a motion to be raised here.

Sri M. NAGAPPA.—I have also given notice of a motion under rule 312 regarding some of the members crossing the floor and sitting on that side and how those seats have been allotted to them. That is a matter for consideration by the House.

Mr. SPEAKER.—I shall look into that matter. I shall invite the hon'ble member to my chamber and discuss it with him also.

Sri M. NAGAPPA.—I wanted to raise it on the floor of the House because it would not come as a point of order.

Mr. SPEAKER.—I shall go through the records and hear the member tomorrow.

MOTION OF THANKS TO THE GOVERNORS' ADDRESS.

(Debate continued)

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ (ಅರಕಲಗೂಡು).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ಮಾನ್ಯ ರಾಜ್ಯಪಾಲರ ಭಾಷಣಕ್ಕೆ ಶ್ರೀಮಾನ್ ಡಿ. ಎಂ. ಸಿದ್ದಯ್ಯನವರು ಮುಂಡಿಸಿರುವ ವಂದನಾ ನಿರ್ಣಯವನ್ನು ವಿರೋಧ ಮಾಡಿ ಕೆಲವಾರು ಮಾತುಗಳನ್ನು ಹೇಳುವುದಕ್ಕೆ